In the High Court of Judicature at Madras

Dated:12.10.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice S. TAMILVANAN

Habeas Corpus Petition No.1017 of 2006

M. Irfan Basha .. Petitioner

vs.

1. The Inspector of Police
   All Women Police Station
   Vellore, Vellore District.

2. Jameela Bee
3. K. Ahamad Basha .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus as stated therein.

For petitioner : Mr. M. Rajavelu

For respondents : Mr. M. Babu Muthu Meeran
Addl. Public Prosecutor for R1

ORDER

(Order of the Court was made by P. SATHASIVAM,J.)

The petitioner by name M. Irfan Basha has filed this petition, seeking direction to the respondents for production of his children namely, Ifreen Sharia, Mohamed Hussain and Shifa Mariam before this Court, and thereafter, set them at liberty.

2. It is not in dispute that respondents 2 and 3 are none else than the maternal grand parents of the children of the petitioner. It is the claim of the petitioner that his wife, viz., K. Shaiastha Naaz, mother of the children, died recently. Considering the age of three children, viz., 9, 3 and 1 respectively and of the fact that respondents 2 and 3 are their maternal grand parents, we are of the view that the claim raised by the petitioner cannot be adjudicated by

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way of habeas corpus petition before this Court. It is made clear that we are not under-estimating the entitlement / right of the petitioner, since he is the father of the children. However, the petitioner is free to approach the appropriate forum to vindicate his grievance.

With the above observation, this petition is dismissed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1.The Inspector of Police
All Women Police Station
Vellore, Vellore District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Selvakumaraswami, Advocate Sr 47943

PPV (CO)
km/18.10.

H.C.P.No.1017 of 2006

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